

REMARKS

Claims 6-11, 13-16, and 18-38 are pending in the present application. Claims 15, 22, 25 and 33 have been amended to clarify that which was previously claimed, and Claims 34-38 have been added. Support for new claims 34-38 is included in Applicants specification on at least paragraphs [0042] – [0048], [0063] – [0064], and Fig. 9. No new matter has been added. Reconsideration of the pending Claims is respectfully requested in view of the amendments to the Claims and the following remarks.

The 35 U.S.C. §103(a) Claim Rejections

Claims 6-7, 11 and 25-28 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of "Applet Caching in Java Plug-in" JAVA.SUN.COM, August 2000 (hereinafter "XP-002256443") and US Patent Application Publication No. 2004/0078636 to Suzuki. (hereinafter referred to as "Suzuki"). In addition, Claims 13-15, 19-24, and 30-32 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over XP-002256443, Suzuki and U.S. Patent Publication No. 2005/0044177 to Liebrand (hereinafter "Liebrand"). Further, Claim 8 was rejected pursuant to 35 U.S.C. §103(a) as obvious in view of the combination of XP-002256443, Suzuki, and U.S. Patent Publication No. 2004/0111443 to Wong et al. (hereinafter "Wong"). Also, Claims 9-10 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of XP-002256443, Suzuki, Wong, and U.S. Patent Publication No. US 2003/0014496 A1 to Spencer et al. (hereinafter "Spencer"). Claims 16, 18, and 33 were rejected pursuant to 35 U.S.C. §103(a) as obvious in view of the combination of XP-002256443, Suzuki, Liebrand, Wong and Spencer, and Claim 29 was rejected pursuant to 35 U.S.C. §103(a) as obvious in view of the combination of XP-002256443, Suzuki, and U.S. Patent Publication No. 2003/0037105 to Yamada et al. (hereinafter "Yamada"). Applicant respectfully traverses these rejections since each and every limitation included in amended Claims 6-11, 13-16, and 18-33 are not taught, suggested, or disclosed by the cited references, either alone or in combination. In addition, the modification of XP-002256443 with Suzuki as has been asserted changes the principal of operation of XP-002256443, and renders XP-002256443 unsatisfactory for its intended purpose. (MPEP 2143.01) Thus, a prima facie case of obviousness cannot be maintained.

Claims 6-10 and 25-26

Claim 6 describes said processor further operable, in accordance with said storage control information associated with said contents, and responsive to a store command received from said user via said operation input means, to read said contents from said cache memory means, and to write said contents in said content storage means. On pages 4-6 of the office action mailed July 10, 2007, it was asserted the XP-002256443 as modified by Suzuki anticipated these limitations. Neither XP-002256443 nor Suzuki either alone or in combination describe a processor responsive to a store command received from a user via an operation input means, the operation input means for receiving a request command from a user, as described in Claim 6. On page 5 of the office action mailed July 10, 2007, it was apparently asserted that Suzuki's switch as controlled by Suzuki's OS kernel is equivalent to a store command received from a user via an operation input means as described in Claim 6. Applicant respectfully traverses these assertions. Suzuki's switch is not an operation input means included in a communication device, and Suzuki's OS kernel is quite clearly not responsive to any form of store command received from a user via said operation input means.

As discussed during the telephone interview on February 10, 2007, Suzuki describes a system with a disk cache, and a hard disk that is used to execute an application in the disk cache, without writing to the hard disk in case the application includes a computer virus that could fatally damage the hard disk. (paragraph 31) Suzuki teaches that a switch is used to delay the writing of data from the disk cache to the hard drive using a commonly known write-back method. (paragraph 34) Control of whether the switch is open (write-back disabled) or closed (write-back enabled) is performed with an operating system (OS) kernel that is operated based on requests from a program and trial settings. (paragraph 38) The OS kernel (or Linux kernel) is controlled by a microprocessor (MPU) that is set so that write-backs are not performed when an application program or the like is being tried out. (paragraph 111) Accordingly, Suzuki does not teach or suggest a processor responsive to a store command received from a user of said communication device as described in Claim 6.

Applicant respectfully traverses the indication in the Advisory Action mailed January 23, 2007 that “a ‘program’ or application comprises a set of instructions/commands written by a user that help a user accomplish a specific task, therefore, Suzuki discloses storing contents in response to a command received via input means...” Clearly, instructions/commands previously written by a user and being executed by a processor, and a store command received from said user of said communication device via said operation input means as described in Claim 6 are entirely different. During examination, claims are to be given their broadest reasonable interpretation “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. Of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). Applicant respectfully asserts that construing a store command received from a user of a communication device via an operation input means as equivalent to execution of software code is well beyond a broadest reasonable interpretation of the claim in view of Applicant’s specification. Thus, not only does XP-002256443 and/or Suzuki fail to teach or suggest a store command received from said user of said communication device via said operation input means, but also very clearly fail to teach or suggest a processor responsive to a store command received from said user of said communication device via said operation input means, to read said contents from said cache memory means, and to write said contents in said content storage means as described in Claim 6.

Moreover, not only is the principal of operation of XP-002256443 changed by the asserted modification with Suzuki, but also, XP-002256443 is rendered unsatisfactory for its intended purpose if modified by Suzuki. XP-002256443 describes a browser and applets that can be downloaded and cached in cache that is used for all web documents. Thus, applets are temporary and are regularly overwritten by the browser as more applets are downloaded. XP-002256443 also describes that some of the applets can be cached in a secondary cache which the browser cannot overwrite. However, Suzuki describes that data writing to a hard disk (HDD) is delayed while an application is stored only in cache and executed to make sure no viruses are present so that the computer system hardware receives no damage. (paragraph 32) Accordingly, combination of the system of Suzuki with XP-002256443 modifies XP-002256443 such that all applets would be written to the same cache used by all web documents thereby allowing the browser to overwrite the applets instead of caching some of the applets in the secondary cache

which the browser cannot overwrite. Accordingly, modification of XP-002256443 with Suzuki not only changes the principal of operation of XP-002256443, but also renders XP-002256443 unsatisfactory for its intended purpose since the applets can be overwritten when all applets are stored in the cache while being tested to make sure the applets contain no viruses per the modification by Suzuki.

Further, in the advisory action mailed January 23, 2007, it was asserted in paragraph 3 that Suzuki's "switch comprises input means." As is well known, "[w]here means plus function language is used to define the characteristics of a machine or manufacture, claim limitations must be interpreted to read on only the structure or materials disclosed in the specification and equivalents thereof." MPEP 2106 Thus, the structures, materials and acts and equivalents thereof corresponding to the functions "receiving a request for a command from a user" are described in the specification, for example, in Fig. 6 and the specification related thereto. Clearly, Suzuki's switch is not a means for receiving a request from a user as described in Applicant's application, and is not an equivalent thereof.

Amended Claim 25 describes that said processor is further operable to deny said contents from being read from said cache memory means and written in said content storage means in response to indication with said storage control information that said contents are not storable in said communication device. Neither XP-002256443 nor Suzuki teach or suggest such limitations. To the contrary, XP-002256443 is silent, and Suzuki describes that once trial software, trial data or mail data has been tried out and found "safe", it is unconditionally written to Suzuki's hard drive (HDD). (paragraph 35) Claim 26 describes that said processor is operable to read said contents from said cache memory means, and to write said contents in said content storage means in response to indication with said storage control information that said contents can be stored in said communication device. XP-002256443 and Suzuki, on the other hand, fail to teach or suggest such activities in response to an indication with storage control information as described in Claim 26.

Claims 11, and 27-29

Claim 11 describes a second writing process to write said contents in said content storage

means after said contents are read from said cache memory means, said second writing process executable in response to indication with said storage control information that said contents are storable in said content storage means, and a store command received from said user via said operation input means to store said contents that have been processed or executed in said content using process.

Neither XP-002256443 nor Suzuki alone or in combination teach, suggest, or disclose any form of second writing process that is executable in response to indication with storage control information that contents are storable in a content storage means, and a store command received from a user via an operation input means as described in Claim 11. To the contrary, neither XP-002256443 nor Suzuki are concerned with any form of processing or execution of content. In addition, neither XP-002256443 nor Suzuki teach or suggest a store command received from a user as described in Claim 11, and are instead wholly unconcerned with a store command received from a user. Moreover, a writing process to write contents in a content storage means, after said contents are read from a cache memory means, that is executable in response to indication with storage control information that said contents are storable in said content storage means is not taught or suggested by the either XP-002256443 or Suzuki. To the contrary, XP-002256443 is focused on downloading applets to one of a first cache or a secondary cache, which is clearly not writing contents after said contents are read, and Suzuki is silent and wholly unconcerned with any form of indication with storage control information. In fact, the office action mailed July 10, 2007 does not assert that either XP-002256443 or Suzuki meets these limitations, but rather simply disregards them completely. Accordingly, it is respectfully requested that the rejection of Claim 11 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claims 13 and 30-32

Claim 13 describes said processor responsive to a second command received via said operation input means to store contents processed or executed by said processor, said processor further operable in accordance with storage control information, and in response to said second command, to exchange said first identifier flag for a second identifier flag that indicates said

contents are to be stored in said content storage means enduringly. In addition to the previously discussed reasons, Applicant respectfully traverses the rejection of Claim 13 because none of XP-002256443, Suzuki or Liebrand teach, suggest, or disclose a processor responsive to a second command received via said operation input means to store contents processed or executed by said processor. Contrary to the assertions on page 10 of the office action mailed July 10, 2007, Suzuki does not teach or suggest a second command received from a user via an operation input means as described in Claim 13. Means plus function limitations in claims are “confined to structures expressly disclosed in the specification and corresponding equivalents.” *Symbol Technologies, Inc. v. Opticon, Inc.*, 935 Fed.2d 1569 (Fed. Cir. 1991). Clearly, Suzuki fails to teach or suggest a second command received from a user via an operation input means as described in Claim 13, and thus cannot possibly teach or suggest a processor responsive to such a second command.

Claim 14

Claim 14 describes a second writing process executable in accordance with indication of said storage control information that said contents are storable, and in response to a store command received from said user via said operation input means, to store contents processed or executed in said content using process. In addition to the previously discussed reasons, none of the cited prior art teaches or suggests a second writing process executable in accordance with indication of said storage control information that said contents are storable, and in response to a store command received from said user via said operation input means as described in Claim 14.

Claims 15-16, 18-24 and 33

Amended Claim 15 describes that the processor is further operable, in response to determination by the processor that the content is for trial use, to temporarily store the content in the first storage area, and automatically process or execute the temporarily stored content; and the processor further operable, in response to determination by the processor that the content is not for trial use, to store the content in the second storage area, and await receipt of a command initiated by a user to process or execute the longer term stored content.

Although difficult to discern due to the mixing of claim limitations from various independent claims, it appears that on pages 9-14 of the office action mailed July 10, 2007 that it has been asserted that XP-002256443 as modified by Suzuki renders the above limitations obvious. Applicant respectfully traverses these rejections since neither XP-002256443 nor Suzuki teach or suggest a processor operable in response to determination by said processor that content is for trial use, to temporarily store content, and said processor further operable in response to determination by said processor that the content is not for trial use, to store the content in the second storage area that is configured for longer term storage of data.

To the contrary, XP-002256443 describes storage of an applet for a browser in one of two areas based on future need (second paragraph), and Suzuki describes first storing data in Suzuki's cache and then, after verifying the data is "safe", transferring the data from the cache to Suzuki's hard drive. Thus, XP-002256443 is wholly unconcerned with whether data is for trial use, and Suzuki makes no determination of storage locations since data is always first stored in Suzuki's cache, followed eventually by storage in Suzuki's hard drive. In addition, as previously discussed, modification of XP-002256443 with Suzuki changes the principal of operation of XP-002256443 and also renders XP-002256443 unsatisfactory for its intended purpose of not allowing applets to be overwritten.

Moreover, Claim 15 describes that the processor is further operable, in response to determination by the processor that the content is not for trial use, to store the content in the second storage area, and await receipt of a command initiated by a user to process or execute the longer term stored content. On page 12 of the office action mailed July 10, 2007 it was asserted that Suzuki described such limitations, however, the cited portions of Suzuki merely describe that data is first cached and then subsequently stored in a hard drive once deemed "safe." Applicant respectfully asserts that the cited portions of Suzuki fail to teach or suggest limitations related to a processor operable in response to a determination that a content is not for trial use to store content in a storage area and await receipt of a command initiated by a user to process or execute the longer term stored content as described in Claim 15. In addition, XM teaches away from such limitations since XM describes applets that are downloaded for use by a browser, not stored to await receipt of a command as described in Claim 15.

Claim 16 describes that the processor is operable to exit and automatically delete the temporarily stored content in response to receipt of a user command to cease execution or processing of the temporarily stored content. On pages 22 and 23 of the office action mailed July 10, 2007 it was asserted that Claim 16 was rejected for the same reasons Claim 9 was rejected. Applicant respectfully traverses these rejections, not only because the five way obviousness rejection a clear indicator of impermissible hindsight reconstruction, but also since the limitations in Claim 9 are entirely unrelated and different to the limitations in Claim 16. This is further evidenced by the different groupings of references used to reject Claims 9 and 16. Thus, the rejection of Claim 16 is improper and should be withdrawn since the limitations in Claim 16 were apparently ignored. As such, Applicant respectfully requests examination on the merits of the limitations described in Claim 16.

Claim 22 describes that the processor is operable to change a status of the temporarily stored content to long term stored content in response to receipt of a user command to perform such a change. Neither XP-002256443, Suzuki, nor Liebrand teach or suggest a processor operable to change a status of temporarily stored content to long term stored content in response to receipt of a user command contrary to assertions on page 15 of the office action mailed July 10, 2007. To the contrary, the cited references are entirely silent and wholly unconcerned with receipt of a user command to change a status of temporarily stored content as described in Claim 22. Moreover, Claim 23 describes that the processor is operable to change the status by relocation of the content from the first storage area to the second storage area, and Claim 24 describes that the processor is operable to change the status by modification of a predetermined indicator included in the content, wherein the predetermined indicator is modified to indicate that the content is stored longer term instead of temporarily. None of the cited references teach or suggest a user command to change a status by movement of content, as described in Claim 23, or by change of predetermined indicator included in the content as described in Claim 24. To the contrary, all of XP-002256443, Suzuki and Liebrand are silent and unconcerned regarding user commands to change a status by movement of content or by change of a predetermined indicator.

Amended Claim 33 describes that the processor, prior to exit and automatic deletion of the temporarily stored content, is further operable to prompt the user to store the content in the

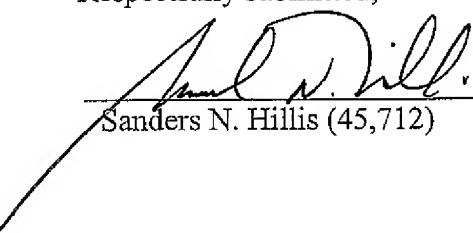
second storage area only in response to an indication that the content is indicated as storables long term in the communication device. Applicant respectfully asserts that a combination of five prior art references is highly indicative of hindsight reasoning. In addition, Applicant respectfully asserts that none of the cited references, either alone or in combination teach or suggest a prompt to a user prior to exit and automatic deletion of temporarily stored content. Moreover, none of the cited prior art teaches or suggests such a prompt to the user only in response to an indication that the content is indicated as storables long term as described in Claim 33. Further, none of the cited prior art teaches or suggests the limitations set forth new Claims 34-38.

In view of the amendments to the claims and the previous remarks, independent Claims 6, 11, 13, 14, and 15, and the claims dependent therefrom are allowable. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejections of the Claims. In addition, since the present pending claims of this application are allowable, Applicant respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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